COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT: OFF-DUTY HIT SHOOTING

IAB FILE NUMBER(S): SH2282364

URN#: 011-01871-0562-055

DATE /TIME: FEBUARY 11, 2011

LOCATION: EAST BOUND 60 FREEWAY AT SANTA ANITIA AVENUE, SOUTH EL MONTE

INVOLVED PERSONEL: JUAN RODIGUEZ #[redacted]
DEPUTY SHERIFF
TWIN TOWERS CORRECTIONAL FACILITY

Opening Statement

On Friday, February 11, 2011, Sergeants Victor Allen and Kelly Adler of the Internal Affairs Bureau responded to the 60 Freeway and Santa Anita Avenue in South El Monte regarding an Off-Duty Hit Shooting which resulted in a single gunshot wound to Suspect Armando Gonzales. Internal Affairs Bureau Lieutenants Alicia Ault and [redacted] also responded. Attorney Walter Katz of the Office of Independent Review was notified and responded to the scene. Deputy Daniel McDonald of Risk Management Bureau responded to the scene.

Synopsis

On Friday, February 11, 2011, Deputy Juan Rodriguez completed his day shift work assignment at Twin Towers Correctional Facility and was driving home in his 1998 Honda Civic eastbound on the 60 freeway. He was in the number three lane in moderate to light traffic. A silver Ford Expedition pulled up next to him in the number two lane. Deputy Rodriguez saw the driver of the Expedition, who was later identified as Suspect Gonzales, lunging his vehicle forward as though he was trying to get Deputy Rodriguez' attention. Deputy Rodriguez believed the driver of the Expedition was attempting to challenge him to a race.

Deputy Rodriguez made eye contact with the suspect. Looking though his open driver's window and through the open passenger's window of the suspect's car, Deputy Rodriguez could see that the suspect was the sole occupant of the car. The suspect

raised his hands with his palms facing upwards, which Deputy Rodriguez believed the suspect was asking "what's up" by the hand gesture. Believing the gesture was a verbal challenge or a confrontation, Deputy Rodriguez responded with a similar gesture. Deputy Rodriguez lifted his hands in the air to say, "Whatever."

The suspect responded with a more animated and aggressive hand gesture moving his hands up and down. At this time, Deputy Rodriguez drove away from the suspect. As he drove away, Deputy Rodriguez saw the suspect searching for something in the center console of his vehicle, which Deputy Rodriguez believed was a weapon based on the suspect's animated and aggressive movements. Deputy Rodriguez retrieved his duty weapon from under his driver's seat and placed it on his lap. He maintained a visual of the suspect by looking into his rear view mirrors. Deputy Rodriguez saw the suspect looking at him while the suspect was frantically looking for something in his center console.

The traffic on the freeway began to slow down. Deputy Rodriguez accelerated when an opening in the traffic occurred to try and put some distance between him and the suspect. He was able to change lanes several times and drove around cars to create distance. However, traffic began to slow down again. In his rear view mirror, Deputy Rodriguez could see the suspect changing lanes trying to catch up to him. The suspect's vehicle pulled in behind Deputy Rodriguez car. Due to the suspect's aggressive actions, Deputy Rodriguez removed his weapon from its holster and placed the gun on his lap.

The lane to left of Deputy Rodriguez opened up and the suspect immediately pulled in to the lane next to Deputy Rodriguez' car. As the SUV pulled up to the driver's door of Deputy Rodriguez car, Deputy Rodriguez made eye contact with the suspect. Deputy Rodriguez saw the suspect raise his right hand, which contained a black semi-automatic handgun. Upon seeing the gun, Deputy Rodriguez raised his duty weapon. It was at that time heard a loud boom or gunshot. In fear for his safety, Deputy Rodriguez believed he fired his duty weapon four to five times at the suspect.

> **IAB Note: Deputy Rodriguez fired ten rounds during this incident. Of the ten rounds fired, nine were fired during the first shooting and one was fired during the second shooting.**

Deputy Rodriguez continued to drive east on the 60 freeway. He saw the suspect's vehicle stop in the number three lane. Deputy Rodriguez continued to drive east approximately a half a mile until he believed he was far enough away from the suspect. Deputy Rodriguez pulled his vehicle into the emergency lane on the right shoulder to call 9-1-1 and to maintain a visual of the suspect. He exited his car and took a position of cover in front of the vehicle. At that time, Deputy Rodriguez saw the suspect driving toward him. The suspect was driving across traffic lanes, from the number two lane to the number four, lane heading straight at him. Deputy Rodriguez pointed his weapon at the suspect's car. When the suspect was close, Deputy Rodriguez could see the suspect had both hands on the wheel and the handgun in his right hand. When the

suspect was almost directly behind him, Deputy Rodriguez fired one more round at the suspect. Deputy Rodriguez believed the round struck the windshield of the suspect's vehicle because he saw the rear window shatter.

The suspect drove around Deputy Rodriguez at a high rate of speed. Deputy Rodriguez maintained a position of cover while pointing his weapon at the suspect as he drove by. Once be believed it was safe to do so, Deputy Rodriguez called 9-1-1 via his cell phone. The suspect exited the freeway at the Peck Road exit. He drove westbound on Durfee Avenue to northbound Santa Anita Avenue. He stopped in front of 1230 Santa Anita Avenue.

The suspect was detained at this location by officers from the California Highway Patrol until Deputy Personnel from Temple Sheriff Station arrived on scene. He was treated for a single gunshot wound to the right cheek by Los Angeles County Paramedics and subsequently transported to Los Angeles County USC Medical Center via ambulance.

Involved Personnel

RODRIGUEZ, Juan, Deputy #[redacted]
Custody Division
Twin Towers Correctional Facility

Work History

RODRIGUEZ, Juan

Date of Employment:	4/12/2006
Date Assigned to Custody:	[redacted]
Date Completed Custody Training:	
Date Assigned to Twin Towers:	8/17/2006
Prior Shooting Incident(s):	[redacted]
Prior Founded Force:	

Suspects

GONZALES, Armando MH/25, Booking # 2641243
No prior criminal history

Injuries

Deputy Juan Rodriquez was uninjured.

Suspect Armando Gonzales sustained a single gunshot wound to his right cheek.

Physical Evidence

All physical evidence was located and collected by Homicide investigators Tim O'Quinn and Brian Schoonmaker. They were assisted Deputies Steve Woolum and Ray Davidson and Forensic Identification Specialist Jackie Thompson of Scientific Services Bureau. For descriptions of the evidence collected and where it was collected, see the Homicide Investigation Book **[Exhibit A]** pages 97-105 and 160-164.

Investigators Observations

I observed a silver Ford Expedition parked along the east curb line of Santa Anita Avenue. The car was parked in front of 1230 Santa Anita Avenue. The driver's door was open and I could see an expended cell casing on the driver's side floor board. On the front windshield of the vehicle, I saw what appeared to be two bullet holes. One bullet hole was on the driver's side and toward the top of the windshield. The other bullet hole was on the lower right passenger's side of the car. There was fluid on the ground near the radiator of the car. On the passenger side of the car, there appeared to be two bullet strikes. One was near the front wheel well of the car. The other was on the front passenger door.

On the east bound 60 freeway, I saw a black Honda parked along the shoulder. In the slow lane (#4 Lane) toward the rear of the Honda was broken glass.

The scene was further described in detail by Homicide investigators Sergeant Luis Nunez and Detective Richard Tomlin. There description of the scenes was consistent with IAB Investigators observations. Refer to pages 93-96 of **[Exhibit A]**. The scene was also photographed by Scientific Services. Refer to the compact disc and thumb nail photos under **[Exhibit B].**

Weapon used by Deputy Rodriguez

Deputy Rodriguez fired ten rounds of Department issued "WIN", 9mm luger ammunition from his Department issued "Beretta," Model 92FS, 9mm, semiautomatic pistol. The weapon was examined by Scientific Services Firearms Identification Unit and found to be functional (page 158 **[Exhibit A]**). Seven expended casing were recovered at the scene from his weapon.

Date last Qualified: [redacted]
Date last trained with weapon: [redacted]



Weapon used by Suspect Gonzales

Suspect Gonzales fired one round from his .40 caliber, "Glock," semiautomatic pistol. The weapon was recovered from a hidden compartment under the dashboard of the

Ford Expedition (Page 101 **[Exhibit A]**). An expended .40 caliber casing was recovered from the left front floorboard of the Expedition (Page 102 **[Exhibit A]**).

Blood evidence was recovered from the Glock pistol (pages 232-233 **[Exhibit A]**). A DNA analysis of the blood was conducted by Senior Criminalist Paul Coleman of Scientific Service Bureau. The DNA profile of the blood matched the profile from Suspect Armando Gonzales (pages 291-294 **[Exhibit A]**).

The Glock was processed for latent print; however, no latent prints were developed (page 231 **[Exhibit A]**).

The Glock was examined by Scientific Services Firearms Identification Unit and found to be functional (page 298 **[Exhibit A]**).

A "Sturm Ruger," Model P94, 9mm semiautomatic pistol was also found wrapped in newspaper and concealed in the dash of the Ford Expedition. The Ruger contained six live rounds in a seated magazine (pages 103-104 **[Exhibit A]**).

The Sturm Ruger was processed for latent print; however, no latent prints were developed (page 295 **[Exhibit A]**).

Property Damage

The 1998 Ford Expedition driven by Suspect Gonzales sustained 10 bullet strikes and 4 continuation bullet strikes. The location of these strikes can be found on pages 99-100, Items E – N1 of **Exhibit A**.

Criminal Investigator

Sergeants Kenneth Clark and John Fredendall of the Los Angeles County Sheriff's Department Homicide Bureau conducted the criminal investigation. The case was presented to the Los Angeles County District Attorney Office at Pomona Court for consideration of a complaint. On February 15, 2011, the District Attorney's Office filed three (3) FELONY counts against Suspect Gonzales (pages 181-185 **[Exhibit A]**).

- Attempted Murder, 664/187(a) P.C.
- Assault with a Semiautomatic Firearm, 245(b) P.C.
- Shooting at an Occupied Motor Vehicle, 246 P.C.

Suspect Gonzales is scheduled for a jury trial on September 29, 2011, in Pomona Superior Court.

Lighting and Weather Conditions

The shooting occurred during day light hours. The weather was clear and sunny.

Involved Employee's Statement

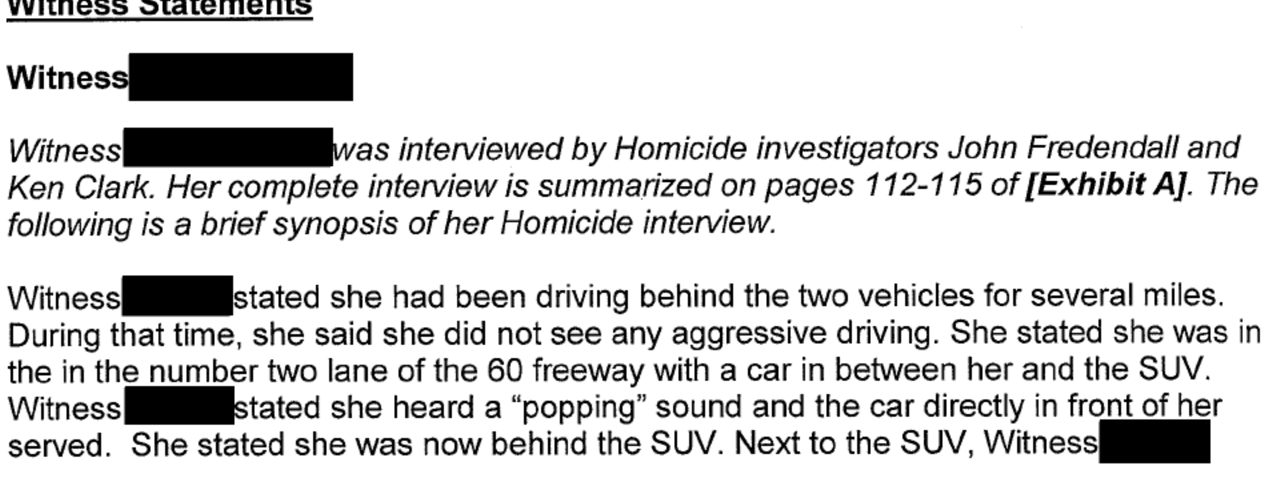
Deputy Juan Rodriguez

*Deputy Rodriguez was interviewed by Homicide Investigators Sergeants John Fredendall and Ken Clark. A complete summary of his Homicide interview can be found on pages 79-84 of **[Exhibit A]**. He was subsequently interviewed by IAB Investigators Sergeants Allen and Adler. The IAB interview addressed areas not covered in the Homicide interview. The following is a summary of Deputy Rodriguez' IAB interview:*

Deputy Rodriguez stated prior to his contact with the suspect, he had not been racing another vehicle **(Rodriguez' IAB interview, page 12)**. He said to his knowledge he did not make any movements in his car that could be perceived as him driving erratically **(Rodriguez' IAB interview page 13)**. From his initial contact with the suspect until the first shooting, Deputy Rodriguez said he did not know how much time had elapsed. Also, he said he did not how long the entire incident lasted. **(Rodriguez' IAB interview, pages 3-4)**. After seeing the suspect reach for what he believed to be a weapon, Deputy Rodriguez said he may have time to call 9-1-1, however, he thought it was premature since he did not know what the suspect was reaching for **(*Rodriguez' IAB interview,* page 4)**. He stated his initial thought was to just get away from the suspect.

When the first shooting occurred Deputy Rodriguez stated there wasn't anything in his line fire **(Rodriguez' IAB interview, Page 4)**. He estimated the distance between him and the suspect to be about 10-15 feet. Deputy Rodriguez stated he fired 5-6 times in a northerly direction. While he was firing, he heard the sound of a gun going off, which he believed was a gunshot fired by the suspect.

At the time of the second shooting, Deputy Rodriguez stated the suspect was approximately 15-20 yards away driving at him. He said the cars in his backdrop were about a quarter of a mile away stopped in the freeway. His target was the suspect who had a gun in his right hand as he drove toward him **(Rodriguez' IAB interview, Pages 8-10)**.



Witness Statements

Witness [redacted]

*Witness [redacted] was interviewed by Homicide investigators John Fredendall and Ken Clark. Her complete interview is summarized on pages 112-115 of **[Exhibit A]**. The following is a brief synopsis of her Homicide interview.*

Witness [redacted] stated she had been driving behind the two vehicles for several miles. During that time, she said she did not see any aggressive driving. She stated she was in the in the number two lane of the 60 freeway with a car in between her and the SUV. Witness [redacted] stated she heard a "popping" sound and the car directly in front of her served. She stated she was now behind the SUV. Next to the SUV, Witness [redacted]

saw a black Honda. She stated the Honda and the SUV were driving parallel to each other. She said she continued to hear a popping sound and saw bursts in the air between the cars with each pop.

Witness [redacted] stated she saw fluid coming from the SUV and assumed it had engine trouble. She stated the SUV came to a stop in the middle of the freeway. She drove around the SUV and saw the Honda pullover to the shoulder of the freeway. She stated she believed the driver of the Honda was calling for help for the SUV. It was not until later in the evening while watching the news, Witness [redacted] stated she realized she had witness a car to car shooting.

Witness [redacted]

*Witness [redacted] was interviewed by Homicide investigators John Fredendall and Ken Clark. His complete interview is summarized on pages 142-144 of **[Exhibit A]**. The following is a brief synopsis of his Homicide interview.*

Witness [redacted] stated he was driving eastbound on the 60 freeway east of the Santa Anita overpass, when he heard a gunshot. He said traffic abruptly came to a stop. Witness [redacted] said he saw a male Hispanic standing next to a Honda which was parked on the shoulder. The male was pointing and waving a silver handgun in the direction of the cars on the freeway. Witness [redacted] stated the male appeared to be scared. He saw the male put the gun onto the roof of the car while placing his cell phone to his ear. Witness [redacted] stated he quickly drove away and left the area.

[redacted]

*Witness [redacted] was interviewed by Homicide investigator Domenick Recchia. Present during his interview was Sergeant Kelly Adler of Internal Affairs Bureau. His complete interview is summarized on pages 146-148 of **[Exhibit A]**. The following is a brief synopsis of his Homicide interview.*

Witness [redacted] stated he was driving eastbound on the 60 freeway in the number four lane. He said that traffic began to slow and he saw a male Hispanic standing in front of a black compact car parked on the shoulder. Witness [redacted] said a silver SUV was driving directly at the parked vehicle. He said he heard a loud "boom" and saw the rear window of the SUV explode. The SUV accelerated and continued east on the freeway. Witness [redacted] saw the male Hispanic in front of the parked compact car pointing a handgun at the SUV as it passed. Witness [redacted] said he drove alongside the SUV and saw the driver was bleeding from his face and attempting to make a phone call. The SUV exited the freeway at Peck Road.

[redacted]

*Witness [redacted] was interviewed by Homicide investigator Luis Nunez. His complete interview is summarized on page 150 of **[Exhibit A]**. The following is a brief synopsis of his Homicide interview.*

Witness [redacted] stated he was driving westbound on the 60 freeway in his bob-tail truck. He saw a black Honda parked on the eastbound shoulder. He said a white Expedition was stopped behind the Honda. Witness [redacted] said he saw a male Hispanic standing next to the Honda. The male raise a semi-automatic handgun and fired toward the truck, causing the front windshield to shatter. The person in the truck was waving his hands as if to say, "Don't shoot". Witness [redacted] stated he heard three shots.

[redacted]

Witness [redacted] *was interviewed by Homicide investigator Luis Nunez. Her complete interview is summarized on page 152-153 of **[Exhibit A]**. The following is a brief synopsis of her Homicide interview.*

Witness [redacted] was driving eastbound on the 60 freeway in the number two lane. She said she drove past a black Honda Civic. Witness [redacted] said a male Hispanic was driving the Honda and appeared nervous. She saw him pull out a gun and point it at a light colored van that was next to him. Witness [redacted] stated she saw the male in the Honda fire 4-5 shots. She said both vehicles either slowed down or stopped. She continued driving.

[redacted]

*Witness [redacted] was interviewed by Homicide investigator Luis Nunez. Her complete interview is summarized on page 153-154 of **[Exhibit A]**. The following is a brief synopsis of her Homicide interview.*

Witness [redacted] stated she was a passenger in Witness [redacted] car. She said as they were approaching Peck Road, she saw an SUV in the carpool lane and a black Honda next to it in the number one lane. She stated as they passed the cars she heard 4-5 gunshots. Witness [redacted] said she looked over her left shoulder and saw the male in the Honda shooting out his driver's window. They exited the freeway at Peck Road and called 9-1-1.

Witnesses [redacted] and [redacted] heard gunshots. They were interviewed by Homicide investigators. Their statements were summarized on pages 151-152 of [Exhibit A].

Witness [redacted] saw a male on the side of the freeway holding a gun in a "shooting position". He did not hear any gunshots. He was interviewed by Homicide investigators. His statement was summarized on page 152 of [Exhibit A].

<u>Suspect Statement</u>

Armando Gonzales

Suspect Gonzales *was interviewed by Homicide Investigators Sergeants John Fredendall and Ken Clark. A complete summary of his Homicide interview can be found on pages 88-91 of* ***[Exhibit A].*** *The following is a brief synopsis of his Homicide interview.*

Suspect Gonzales stated the driver of the Honda (Deputy Juan Rodriguez) was racing another car and cut him off. He said he asked the driver of the Honda "What's going on? Why did you cut me off?" Suspect Gonzales stated the driver of the Honda replied "What do you want mother fucker." He said he then saw the driver of the Honda reaching for something inside his car with his right hand. Suspect Gonzales said the driver of the Honda pointed a black gun at him and shot him.

Suspect Gonzales said he stopped in traffic and grabbed his face in pain, while the driver of the Honda pulled away and stop on the side of the freeway. He stated the driver got out of the Honda, pointed the gun at him again and fired a round that went over his head. Suspect Gonzales stated he drove away as fast as he could.

<u>Miscellaneous</u>

IAB Lieutenant Ault checked to see that the Watch Commander, Sergeant Richard Marascola took reasonable steps to ensure that the involved parties and witnesses did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, as well as the involved parties and witnesses personnel did not collectively consult with their attorney or representative. In addition, Lieutenant Ault checked to see if the watch commander attempted to have the involved parties and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators.